

REMARKS

This amendment is submitted in an earnest effort to bring this application to issue without delay.

The Examiner has rejected claims 1 through 13 and 21 under 35 USC 112, first paragraph, on the grounds that the claims are broader than the level of enablement provided by the disclosure in the specification. The Examiner has indicated that Applicants can overcome this basis for rejection of the claims by limiting the malignant tumors to be treated according to the claimed invention to "bone, liver, lung, rib and lymph node metastasis, and esophageal and bladder carcinoma." The Examiner has not cited any specific prior art references against any of the claims now in the application that are under examination.

In response to the rejection of the claims Applicants have amended claims 1 and 21 to delete reference to "malignant tumors" and have amended claim 5 to correct the spelling of azomethine.

On 7 April 2008, the Applicants' undersigned attorney held a telephone interview with Examiner Stone and his Supervisor, Examiner Manschell, to discuss the rejection with them and to see what the Applicants' best response would be. Applicants wish to thank the Examiners for granting the telephone interview and pointing out an additional way that Applicants could amend the claims to overcome the rejection set forth under 35 USC 112, first paragraph. The Examiners indicated that Applicants might also consider amending claims 1 and 21 to delete any reference to the treatment of malignant tumors, and that such a change would be permitted. Such a change would actually broaden the scope of the claimed subject matter because Applicants would no longer be limited the treatment of tumors.

The Examiners indicated that a search of the prior art did not turn up any references that anticipated the elected species composition of claim 21 or that rendered that claim obvious. However, the Examiners reserved the right to expand their search and to examine compositions other than the elected species composition before deciding whether the broad claims, such as claim 1 are allowable.

The Examiners suggested that at this point, the Applicants amend claims 1 and 21 to delete the reference to the treatment of tumors, and then wait for the Examiners to continue their examination of all of the claims. Applicants have now amended the claims accordingly.

During the interview, the Applicants' undersigned representative stressed the importance of the compound N-acetyl-seleno-L-methionine in the therapeutic compositions. Applicants also stressed that this compound is an old compound, but that it has no known pharmaceutical utility, and specifically no known utility in the treatment of tumors. Thus including this compound along with N-acetyl-L-methionine together with the known alpha-keto-glutaric acid and the known azomethine promoting compound in the treatment of cancer results in a novel and unobvious composition that distinguishes over the cited prior art and is the heart of the invention.

The undersigned also discussed with the Examiners the possibility of rejoining the withdrawn process of preparation claims and the method of treatment claims with the composition claims, once the Examiners determine the scope of an allowable composition claim.

The Examiners agreed that such a rejoinder of the withdrawn claims might be possible, but did not promise.

Applicants believe that all claims now presented are allowable over the cited prior art and a response to that effect is earnestly solicited.

K.F. Ross P.C.

/Jonathan Myers/

By: Jonathan Myers, 26,963
Attorney for Applicant

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5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: 718 884-6600
Fax: 718 601-1099
Email: email@kfrpc.com